In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 5771 of 1997

Date of Decision: 30.10.2006

Gurmit Kaur

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. Vivek Thakur, Advocate
for the petitioner.

Mr. Ashok Aggarwal, Addl. A.G., Punjab and
Mr. B.S. Chahal, AAG, Punjab
for the respondents.

...

J.S. Khehar, J. (Oral).

The petitioner, while approaching this Court for a claim of revision in pay scales, relied on a decision rendered by this Court in Prem Lata Katyal and others Vs. State of Punjab and others (Civil Writ Petition No.9534 of 1989, decided on 23.9.1993). It would be pertinent to mention, that while disposing of Prem Lata Katyal's case (supra), this Court placed reliance on a decision rendered by a Division Bench of this Court in **Labh Singh Garcha Vs. State of Punjab and others**, 1976 Service Law Weekly Reporter, 476.

On 16.3.1998, this Court in view of the factual position noticed hereinabove, passed the following order:-

> "The judgement on which the petitioner is relying is a subject matter of appeal in the Apex Court arising out of S.L.Ps. (Civil) No.10552 of 1995 (State of Punjab and others Vs. Prem Lata Katyal and others) and No.10553 of 1995 (State of Punjab and others Vs. Suresh

Chander and others), in which the operation of the judgement relied upon by the petitioner has been stayed. In these circumstances, we adjourn this case sine die to await the decision in the appeal. As and when the decision in the aforesaid appeal is rendered by the Apex Court, the parties' counsel may inform the office to fix this case for motion hearing.

It is not a matter of dispute, that Suresh Chander's case (supra), decided by this Court, came to be challenged at the hands of the State government by filing Petition for Special Leave to Appeal (Civil) No.10553 of 1995. On the grant of Special Leave to Appeal, the aforesaid petition was converted into Civil Appeal Nos.6523-6524 of 1995.

A perusal of the office report reveals, that the decision rendered by this Court in Suresh Chander's case (supra) has attained finality in view of the dismissal of Civil Appeal Nos.6523-6524 of 1995, by the Apex Court.

Despite opportunity afforded, learned counsel for the respondents could not distinguish the factual or the legal controversy adjudicated by this Court in Suresh Chander's case (supra), from the controversy raised in the instant writ petition.

In view of the above, the instant writ petition is allowed in terms of the decision rendered by this Court in Suresh Chander's case (supra).

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

30.10.2006
sk.